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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,269	06/25/2003	Efraim Garti	WOLFF P-26	4485
30294	7590	02/22/2006	EXAMINER	
LACKENBACH SIEGEL			KIM, YOON YOUNG	
ONE CHASE ROAD			ART UNIT	
SCARSDALE, NY 10583			PAPER NUMBER	

1723

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/603,269

Applicant(s)

GARTI, EFRAIM

Examiner

Yoon-Young Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to the Amendment filed on December 2, 2006.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The unit of measurement of the stretching strength is unclear.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuniewski et al., U.S. Patent No. 3,762,565.

Regarding Claim 1, Okuniewski discloses a disposable filter, comprising: a filtering bag (#60) with an opening, the bag being made of a non-woven, synthetic material having filtering perforations (Col. 4, Lines 1-13), and a substantially flat, stretchable band (#68) extending along

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the periphery of the opening, facilitating the easy attachment and detachment of the bag within a liquid filtering apparatus.

Regarding Claim 6, the shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The elastic band of Okuniewski is deemed to be a structure equivalent to the stretchable band of the invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5-7, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich, U.S. Patent No. 5,768,734 in view of Cox. et al., U.S. Patent No. 6,419,839 B1.

Regarding Claim 1, Dietrich discloses a disposable filter, comprising: a filtering bag (#80) with an opening, the bag having filtering perforations, and a substantially flat, stretchable band (#82) extending along the periphery of the opening, facilitating the easy attachment and detachment of the bag within a liquid filtering apparatus. However, Dietrich does not disclose the material of the filtering bag. Cox teaches a non-woven, synthetic, swimming pool filter media (Col. 2, Lines 1-31). It would have been obvious to one of ordinary skill in the art to modify Dietrich with the element of Cox in order to be able to remove dirt, debris, oils, and microorganisms (Col. 3, Lines 21-26).

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Regarding Claim 5, Cox discloses that the filter is made of polypropylene (Col. 9, Lines 1-27) having a weight of about  $51.2 \text{ g/m}^2$  (Col. 4, Lines 53-56).

Regarding Claim 6, the shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The elastic band of Dietrich is deemed to be a structure equivalent to the stretchable band of the invention.

Regarding Claim 7, Dietrich discloses in a swimming pool cleaning apparatus including a framework (#12) having a peripheral recess (#28) for supporting a filter, the improvement comprising: a disposable filter; a filtering bag (#80) with an opening defined by a rim, the bag having filtering perforations, and a stretchable band (#82) extending along the rim of the opening facilitating the easy attachment and detachment of the bag on the framework. However, Dietrich does not disclose the material of the filtering bag. Cox teaches a non-woven, synthetic, swimming pool filter media (Col. 2, Lines 1-31). It would have been obvious to one of ordinary skill in the art to modify Dietrich with the element of Cox in order to be able to remove dirt, debris, oils, and microorganisms (Col. 3, Lines 21-26).

Regarding Claim 11, Cox discloses that the filter is made of polypropylene (Col. 9, Lines 1-27) having a weight of about  $51.2 \text{ g/m}^2$  (Col. 4, Lines 53-56).

Regarding Claim 12, the shape of the band has no mechanical function and cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 73 USPQ 431 (1947). The elastic band of Dietrich is deemed to be a structure equivalent to the stretchable band of the invention.

Regarding Claim 13, Dietrich discloses that the filter in its assembled state is slipped over the framework with a stretchable opening tightly surrounding and clinging to a recessed strip (Fig. 2).

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7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuniewski in view of Tafara, U.S. Patent No. 4,545,833.

Regarding Claim 2, Okuniewski does not disclose the size of the filter perforations. Tafara teaches a filter bag with micron ratings from 0.2 to 1600 (Col. 5, Lines 3-9). One of skill in the art would by routine experimentation find the optimum filter perforation size. It is not inventive to discover the optimum or workable ranges by routine experimentation when the general conditions of a claim are disclosed in the prior art. In re Aller, 105 USPQ 233, 235 (CCPA 1955).

8. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Cox as applied to Claim 1 and 7 above, and further in view of Tafara.

Regarding Claims 2 and 8, Dietrich in view of Cox does not disclose the size of the filter perforations. Tafara teaches a filter bag with micron ratings from 0.2 to 1600 (Col. 5, Lines 3-9). One of skill in the art would by routine experimentation find the optimum filter perforation size. It is not inventive to discover the optimum or workable ranges by routine experimentation when the general conditions of a claim are disclosed in the prior art. In re Aller, 105 USPQ 233, 235 (CCPA 1955).

9. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuniewski in view of Emig et al., U.S. Patent No. 6,706,086 B2.

Regarding Claim 3, Okuniewski does not disclose the air permeability. Emig teaches a filter bag comprising a material having air permeability of 1,500 to 20,000 L/m<sup>2</sup>xs (Col. 6, Lines 35-41). One of skill in the art would by routine experimentation find the optimum air

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permeability. It would have been obvious to one of skill in the art to make the air permeability of Okuniewski as so desired or required, including as claimed to optimize filtration.

Regarding Claim 4, Okuniewski does not disclose stretching or bursting strength. Emig teaches a filter bag comprising a material having a longitudinal stretching strength of 2 to 12 N per 15 mm strip and a transversal stretching strength of 1 to 10 N per 15 mm strip (Col. 6, Lines 25-34), and a bursting strength of at least 70 kPa (Col. 2, Lines 10-15). One of skill in the art would by routine experimentation find the optimum stretching and bursting strengths. It would have been obvious to one of skill in the art to make the stretching and bursting strengths of Okuniewski as so desired or required, including as claimed to optimize filtration.

10. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Cox as applied to Claims 1 and 7 above, and further in view of Emig.

Regarding Claims 3 and 9, Dietrich in view of Cox does not disclose the air permeability. Emig teaches a filter bag having air permeability of 1,500 to 20,000 L/m<sup>2</sup>xs (Col. 6, Lines 35-41). One of skill in the art would by routine experimentation find the optimum air permeability. It would have been obvious to one of skill in the art to make the air permeability of Dietrich in view of Cox as so desired or required, including as claimed to optimize filtration.

Regarding Claims 4 and 10, Dietrich in view of Cox does not disclose stretching or bursting strength. Emig teaches a filter bag comprising a material having a longitudinal stretching strength of 2 to 12 N per 15 mm strip and a transversal stretching strength of 1 to 10 N per 15 mm strip (Col. 6, Lines 25-34), and a bursting strength of at least 70 kPa (Col. 2, Lines 10-15). One of skill in the art would by routine experimentation find the optimum stretching and bursting strengths. It would have been obvious to one of skill in the art to make the stretching

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and bursting strengths of Dietrich in view of Cox as so desired or required, including as claimed to optimize filtration.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Okuniewski in view of Tafara and Emig and Dietrich in view of Cox, Tafara, and Emig teach the invention as claimed.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK  
02/16/06

  
JOHN KIM  
Primary PATENT EXAMINER